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Situation of indigenous peoples in danger of extinction in Colombia

Summary of the report and recommendations of the mission by the Permanent Forum to Colombia

Summary

The present report is the abbreviated version of the report of the mission to Colombia conducted by the United Nations Permanent Forum on Indigenous Issues for the purpose of observing the situation of indigenous peoples that are victims of abuse related to the armed conflict and in danger of extinction and the situation of the Awá people. The mission visited Bogotá, Risaralda, Valledupar in Cesar Department and Tumaco and El Diviso in Nariño Department.

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I. Introduction

1. Responding to an invitation from the Government of Colombia endorsed by the National Indigenous Organization of Colombia (ONIC), the United Nations Permanent Forum on Indigenous Issues (hereinafter "the Permanent Forum" or "the Forum") conducted a mission to Colombia with the support of various United Nations agencies from 5 to 9 July 2010.[1] The purpose of the visit was to observe the situation of indigenous peoples that are victims of abuses related to the armed conflict and are in danger of extinction and the situation of the Awá people. The mission visited Bogotá, Risaralda, Valledapur in Cesar Department and Tumaco and El Diviso in Nariño Department.

2. The mission was comprised of the President of the Forum, Carlos Mamani, and Forum members Bartolomé Clavero, Paimaneh Hasteh and Margaret Lokawua. The mission was supported by two staff members of the Department of Economic and Social Affairs of the Secretariat, a member of the Office of the Special Representative for the Prevention of Genocide and Mass Atrocities, as well as experts on the country team for Colombia from other agencies including the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs (OCHA). It also received support from the International Organization for Migration (IOM).

3. This document is a summary of the report of the mission. It is based on interviews, data and information provided by national and departmental Government offices, independent governmental institutions, local authorities of the places visited, documentation from various United Nations system agencies, the Inter-American Commission on Human Rights (IACHR), indigenous peoples' organizations, national and international non-governmental organizations and academic institutions.

4. The mission held meetings with the Ministry of the Interior and Justice, the Presidential Programme for Human Rights and International Humanitarian Law, the Office of the Senior Adviser for Social Action and International Cooperation, the Human Rights Office of the Ministry of the Interior, the Prior Consultation Group, the Office of Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs, the Attorney-General, the Public Prosecutor, the Office of the Ombudsman, the Presidential Advisory Office on Gender Equality (CPEM), the Ministry of Education, the Ministry of Social Protection, the Ministry of Agriculture, the Colombian Rural Development Institute (INCODER), the Ministry of National Defence and the National Police. At the department level the Forum mission met with local authorities and held meetings with various United Nations agencies. It also met with indigenous peoples' organizations, the leaders of the Awá people, non-governmental organizations and academic institutions. The Forum wishes to thank all those individuals, organizations and institutions for the information provided and the confidence they showed in the mission.

[1] At its ninth session, the Permanent Forum received a verbal invitation from the Government to conduct a visit. At that same session the Forum welcomed the invitation. On 10 May 2010, the Government extended a formal invitation in writing to the Forum, which it accepted.

II. Legal and political framework

5. On 7 August 1991, Colombia ratified International Labour Organization (ILO) Convention No. 169 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. On 20 April 2009 it expressed its support for the United Nations Declaration on the Rights of Indigenous Peoples. It is a State party to the major international treaties in the area of international humanitarian law and international human rights law.

6. The 1991 Constitution recognizes important rights in favour of indigenous peoples, including recognition of ethnic and cultural diversity (article 7), and of languages and dialects of ethnic groups as official languages in their territories, as well as bilingual education in communities with their own linguistic traditions (article 10). Members of ethnic groups shall have the right to an education that respects and develops their cultural identity (article 68); the special rights of ethnic groups settled in territories of archaeological wealth are recognized (article 72); political participation of indigenous representatives in the Senate is ensured (article 176); the authorities may exercise judicial functions within their territories (article 246); indigenous territories are recognized as territorial entities (article 286); territorial entities enjoy autonomy (article 287); representatives of indigenous communities participate in the establishment of territorial entities, and indigenous reservations are collectively owned and inalienable (article 329). The Constitution also establishes that the exploitation of natural resources in indigenous territories shall be effected without impairing the cultural, social and economic integrity of indigenous communities. In the decisions adopted in that regard, the Government must facilitate the participation of representatives of the respective communities (article 330, final paragraph). The indigenous reservations are named as the beneficiaries in the distribution of resources or participation (article 356).

III. General situation of indigenous peoples in Colombia

7. According to the Government, the indigenous population totals 1,392,623, divided into 87 indigenous peoples living on 788 reservations covering an area of approximately 31 million hectares (29.84 per cent of the national territory).[2] According to ONIC, there are 102 indigenous peoples and therefore a higher population.[3]

8. Some 78 per cent of the indigenous population lives in rural areas. A smaller number live in urban areas but in recent years that percentage has risen. According to ONIC, the main factors that have unleashed this process have been the depletion of reservation lands and forced displacement caused by the grave human rights violations and breaches of international humanitarian law they have suffered.[4]

9. Indigenous peoples have faced grave abuses of their human rights related to the internal armed conflict, such as discrimination and marginalization. The critical situation of indigenous peoples has been well documented. The Special Rapporteur

[2] Office of Indigenous, Minority and Roma Affairs. Report prepared for the visit of members of the Forum, p. 5 (2010).

[3] ONIC, "*Palabra Dulce, Aire de Vida: Forjando Caminos para la Pervivencia de los Pueblos Indígenas en Riesgo de Extinción in Colombia*", p. 7 (2010).

[4] ONIC, "*Palabra dulce, aire de vida*", p. 7 (2010).

on the situation of human rights and fundamental freedoms of indigenous people made visits to Colombia in 2004[5] and 2009.[6] In 2009, the Special Rapporteur concluded that the situation of indigenous peoples continued to be very serious, critical and of deep concern.

10. Colombia has attempted to address the problem of the human rights of indigenous peoples in various ways. The Forum notes the legal advances, mainly constitutional and institutional, in safeguarding the rights of indigenous peoples, as well as the development of various projects like the Family Forest Rangers Programme (*Familias Guardabosques*)[7] and the Families in Action Programme (*Familias en Acción*).[8] These programmes are attempting to reach people in critical situations, including indigenous peoples. Note should also be taken of the establishment of an early warning system which attempts to warn of dangerous conditions for the civilian population arising from the effects of the internal armed conflict in order to prevent, protect and guarantee fundamental rights. This mechanism could be important in guaranteeing the rights of indigenous peoples. The Forum considers that, despite legal protections and the existence of such measures, the rights of indigenous peoples continue to be at risk.

11. Colombia has recognized Indigenous Territorial Entities in its Constitution, which has led to the recognition of indigenous peoples in their reservations and communities. However, such recognition has not been granted to all indigenous peoples; one example is the situation of the Mocana people of the Caribbean coast.

12. The Forum was able to determine that the indigenous peoples, through their leadership and organizations, are in the process of re-establishing their rights, integrating such concepts as indigenous tribal law and traditional law that are widely discussed in the specialized literature. Those concepts help indigenous peoples to establish their own vision for their development. It is important that this legal development and the development of identity should be taken into account when addressing the rights of indigenous peoples and entering into agreements on safeguards plans.

13. The Constitutional Court has analysed the situation of massive violation of rights that brought about the risk of extinction of 34 indigenous peoples mainly because of the armed conflict, based on Order No. 004 of 2009, arising from Judgement T-025 of 2004 on internal displacement. The information available to the Court is particularly reliable given that it comes from the indigenous organizations themselves.

14. In addition to the 34 indigenous peoples identified by the Court as being at risk of extinction, ONIC has identified other indigenous peoples also at risk because they have a population of less than 500, including 18 peoples with less than 200 and 10 with less than 100.

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[5] The Special Rapporteur visited Colombia from 8 to 17 March 2004 (see E/CN.4/2005/88/Add.2).

[6] The Special Rapporteur visited Colombia from 22 to 27 July 2009 (A/HRC/15/37/Add.3).

[7] Through this programme the Government grants economic resources to participating communities which commit to eradicate and prevent the planting of illicit crops, with the goal of implementing alternative legal production and/or environmental projects that contribute to sustainable forest management.

[8] This programme provides nutrition and education subsidies for children and youth belonging to displaced or indigenous families.

15. By mentioning the need to develop safeguards plans for all indigenous peoples, the Government has implicitly recognized that all such groups are at risk of extinction.

16. The Forum has noted that the situation of indigenous peoples in Colombia continues to be very serious, critical and of deep concern.

A. Armed conflict in indigenous territories

1. Parties to the conflict

17. An internal armed conflict that originated in the cold war has been waged in Colombia since the early 1960s. The roots of the conflict are to be found in structural problems such as poverty and inequality, discrimination against vulnerable groups, human rights abuses and control of land. The conflict is fuelled by violence related to drug trafficking, organized crime and tensions with neighbouring countries, which have been accused of supporting rebel groups. Although the indigenous peoples have not taken sides in the conflict, they have suffered major abuses including murder, massacres, forced displacement, violations of international humanitarian law, among others,[9] which are the main reason why they are at risk of extinction.

18. Landowners, local business owners and drug cartels have taken part in the conflict by forming paramilitary organizations, principally the group known as Autodefensas Unidas de Colombia (AUC) (United Self-Defence Forces of Colombia). The presence of paramilitaries has been reduced in recent years owing to the adoption of Act No. 975. However, this Law has not always been well-accepted by the international community.[10]

2. Human rights abuses

19. The past decade has seen an intensification of the armed conflict in the indigenous territories,[11] accompanied by persistent abuses. According to ONIC data, more than 1,400 indigenous men, women and children were killed between 2002 and 2009. The level of violence has increased, 111 and 176 killings having been documented in 2008 and 2009 respectively.[12]

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[9] In her 2009 report on the situation of human rights in Colombia, the Office of the United Nations High Commissioner for Human Rights acknowledged the spirit of cooperation existing between the Government and her Office in Colombia, and the openness of the Government to addressing human rights challenges, but also observed that guerrilla groups and the Colombian Armed Forces, as well as illegal armed groups and drug traffickers, continue to violate human rights and international humanitarian law (see document A/HRC/10/32).

[10] The Inter-American Commission on Human Rights noted that "the determination of the historical truth regarding what happened during the last few decades of the conflict does not appear as an objective [of the Law]. Nor does the determination of who has sponsored paramilitarism or of the degree of involvement of different participants in the perpetration of crimes against the civilian population". See Press Release No. 26/05, IACHR issues statement regarding the adoption of the "Law of Justice and Peace" in Colombia.

[11] According to ONIC, 44 municipalities reported violent incidents against indigenous peoples in 2010, compared with 14 municipalities in 1996 (see ONIC, *Palabra Dulce, Aire de Vida* (2010)).

[12] ONIC, *Palabra Dulce, Aire de Vida*, p. 12 (2010).

20. Indigenous leaders have frequently been killed or threatened by parties to the conflict that have invaded their territories. In the three months following the Forum's visit, four killings of indigenous leaders, including a pregnant woman, were reported. The wife of another leader was also kidnapped, with her husband, and subsequently murdered.[13] Indigenous leaders have also been subject to arbitrary detention in the context of the conflict. According to data collected by ONIC, 640 indigenous persons were arbitrarily detained between 2002 and 2009.[14]

21. The armed forces also continue to violate the human rights of indigenous peoples, including through extrajudicial executions. Cases have been reported where murdered indigenous persons have been fraudulently presented by members of the security forces as being members of guerrilla groups who had been killed in combat (a practice known as "false positives").[15]

22. In some cases, the Attorney-General's Office has decided to bring charges against members of the security forces for human rights abuses;[16] however, most such abuses are not duly investigated.

3. Displacement

23. As a result of the intensive armed conflict, tens of thousands of indigenous persons have been displaced from their lands, which are of strategic and economic importance to the parties to the conflict.[17] A disproportionately high number of indigenous persons are displaced. Although they account for approximately

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[13] Carmen Elisa Mora Uncacia is reported to have been killed on 13 August 2010. Ms. Mora, a member of the U'wa people, who worked as a coordinator for the Office of Indigenous Affairs of the Mayor's Office, in the Department of Arauca, was attacked at her home. On 14 August 2010, Jaime Reyes, of the Sikuani people, who was living in a situation of forced displacement, was murdered by hired killers in Arauca. On 26 August 2010, Ramior Inampues and his wife, of the Pasto people, were kidnapped and their bodies were found two days later, with bullet wounds, in the Department of Nariño. On 27 July 2010, the Wayúu indigenous leader and human rights activist Luis Alfredo Socarrás Pimienta was shot at the entrance to his house by a hired killer. See Press Release No. 73/10, IACHR condemns murder of human rights defender in Colombia, 2 August 2010. After the killing, the suspected perpetrators circulated a document containing the names of those to be killed next, including 12 members of the Wayúu people.

[14] ONIC report on the human rights of indigenous women, submitted to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, p. 15 (2009).

[15] After his 2009 visit, the Special Rapporteur on extrajudicial, summary or arbitrary executions found that "security forces have carried out a significant number of premeditated civilian murders and fraudulently presented the civilians as 'killed in combat'". With regard to such practices, he also identified "problems at all stages of the investigatory and disciplinary processes". Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, mission to Colombia (A/HRC/14/24/Add.2).

[16] The Office of the Public Prosecutor of the Republic decided to charge seven members of the security forces for their suspected role in the murder of Edwin Legarda, husband of the indigenous leader Aída Quilcué, in December 2008. On 12 September 2010, the seven soldiers were sentenced by a Popayán court to 40 years' imprisonment for the murder of a protected person. The defence appealed the sentence.

[17] The number of indigenous people displaced by force has increased over recent years: 71,149 indigenous persons are now living in a situation of forced displacement. (ONIC), *Los pueblos indígenas de Colombia y su pervivencia en medio del conflicto armado interno* (The indigenous peoples of Colomi ia and their survival in the midst of internal armed conflict): Report to the Permanent Forum, p. 4 (2010).

3.4 per cent of the total population, indigenous peoples make up 7 per cent of the total displaced population.[18]

24. Forced displacement is caused by threats and acts of violence attributed to the Fuerzas Armadas Revolucionarias de Colombia (FARC) (Revolutionary Armed Forces of Colombia) and the Ejército de Liberación Nacional (ELN) (National Liberation Army), as well as the armed forces and other groups. Other situations of forced displacement are the result of armed confrontation between guerrilla groups and paramilitaries, or mega-projects imposed in indigenous territories. In some cases, land belonging to displaced persons is seized by illegal armed groups and used by third parties for monoculture and exploitation of natural resources.[19]

4. Situation of indigenous children

25. The armed conflict has had a major impact on the lives of indigenous children and young people. Although the Government has adopted a policy to prevent the recruitment and use of children by illegal armed groups,[20] in the past two years one of the main causes of forced displacement has been the recruitment of indigenous children by armed groups,[21] including paramilitary groups.[22]

5. Situation of indigenous women

26. In recent years, indigenous women have faced a greater risk of sexual assault and gender-based violence committed by members of armed groups. The Constitutional Court has noted that such abuses are perpetrated deliberately by members of all the armed groups involved in the conflict as a military strategy to intimidate communities, as revenge against persons supporting enemy groups, to take control of territories or resources, to obtain information by kidnapping and sexually abusing victims, or simply out of brutality.[23] Indigenous women receive little protection and crimes perpetrated against them are rarely investigated.

B. Other factors contributing to the risk of extinction

1. Discrimination and violation of economic, social and cultural rights

27. In addition to abuse suffered in connection with the conflict, indigenous peoples face human rights violations related to structural discrimination. Discrimination affects all aspects of the life of indigenous peoples and results in

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[18] Amnesty International, "*La lucha por la supervivencia y la dignidad: abusos contra las derechos humanos de los pueblos indígenas de Colombia*" (The fight for survival and dignity: human rights abuses against the indigenous peoples of Colombia) (2010), p. 8, citing as its source the Head of the country office in Colombia of the United Nations High Commissioner for Human Rights.

[19] Report of the Committee against Torture, concluding observations on the report of Colombia in *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 44* (A/65/44), chap. III, sect. B.

[20] See Report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158 and Corr.1).

[21] The Constitutional Court, in Order No. 251 of October 2008, confirmed that child recruitment is one of the main causes of displacement in the country (see A/63/785-S/2009/158 and Corr.1).

[22] Human Rights Watch. "*You'll Learn Not to Cry*": *Child Combatants in Colombia*, p. 9 (2003).

[23] Constitutional Court, Order No. 092 of 2008.

disproportionately high rates of poverty[24] and exclusion in areas including nutrition,[25] employment[26] and education.[27]

28. The health conditions of members of indigenous peoples are particularly precarious, owing to a lack of access to appropriate services. This is reflected in high maternal and child mortality rates, as well as a high incidence of preventable diseases.[28] Furthermore, three out of every five indigenous persons have no access to piped water supply, four out of five have no access to sewerage systems and two out of five have no access to electricity.[29]

2. Land and control of territory

29. According to official statistics, almost 30 per cent of the national territory has been allocated to 788 indigenous reservations.[30] However, most of that land does not meet the needs of the indigenous peoples. For instance, less than 8 per cent of

[24] According to the Office of the United Nations High Commissioner for Human Rights, the five departments with the highest percentage of the population living below the poverty line or in conditions of extreme poverty are Bolívar, Cauca, Chocó, Córdoba and Nariño, which coincide with those where there is a high concentration of Afro-Colombian and indigenous populations. Report on the situation of human rights in Colombia, A/HRC/13/72, para. 93.

[25] According to UNICEF, over 70 per cent of young indigenous people, both men and women, suffer from chronic malnutrition. Cases of indigenous child deaths from malnutrition among the Puinave, Curripaco, Sikuani, Embera Dovida, Wiwa, Yukpa and Wayúu peoples, and cases of severe malnutrition among the Awá and Eperara Siapidaara peoples, have been documented. See ONIC report to the Permanent Forum, p. 15.

[26] The Committee on Economic, Social and Cultural Rights has expressed concern at the high levels of unemployment in Colombia, particularly in rural areas and among young persons, women, indigenous and Afro-Colombian peoples. Committee on Economic, Social and Cultural Rights, Concluding Observations (2010).

[27] According to information provided by the Ministry of Education, 46 indigenous peoples and communities have ethno-education projects. The illiteracy rate among indigenous persons aged between 15 and 49 is 24.1 per cent, while it is six times lower in the rest of the population. Only 50 per cent of indigenous persons between the ages of 5 and 25 attend an educational institution.

[28] According to Ministry of Social Protection statistics, a disproportionate number of indigenous persons lack access to health-care services: 32.4 per cent do not have access to medical assistance compared with 14.7 per cent of the general population. Indigenous peoples also often face geographical barriers in accessing medical services. The indigenous peoples of the Amazon and Antioquia, for example, often need to travel for several hours or days, by river or through the forest, in order to reach health-care facilities (ONIC report to the Permanent Forum, p. 19). As a result of this lack of access to medical services, indigenous peoples are disproportionately at risk of contracting diseases and even dying from curable diseases. For example, indigenous women and children face a disproportionate risk of death during pregnancy or from complications in childbirth. Nationally, 73 women die of pregnancy-related complications for every 100,000 live births. But in departments with a high percentage of indigenous and Afro-descendent inhabitants, such as Guainía, the figure rises to 386 per 100,000, five times the national average. The infant mortality ratio is 19 per 1,000 live births nationally, but this rises almost threefold to 54 per 1,000 live births in Chocó and Cauca departments, both of which have large numbers of indigenous and Afro-descendent inhabitants. Amnesty International, *The struggle for survival and dignity: Human rights abuses against indigenous peoples in Colombia*, p. 11 (2010).

[29] University of the Andes. Report on global justice and human rights (2009), submitted to the Special Rapporteur.

[30] National Administrative Department of Statistics (DANE), Colombia una Nación Multicultural: su diversidad étnica (A Multicultural Nation: Colombia's Ethnic Diversity), Bogotá, 2007, p. 19.

the land is suitable for farming.[31] Some 445,000 indigenous persons live outside the reservations, and there is no official recognition of their collective rights.[32] The designation of reservations is a slow process, and the Government has delayed recognition of some 600 requests for the designation, revision of title deeds or expansion of reservations.[33]

30. Even when indigenous territories have been recognized as reservations, the right of indigenous peoples to their land is often not fully respected. Irrespective of title deeds, indigenous lands are often appropriated by illegal armed groups, criminal groups, drug traffickers and other occupiers. Armed conflict has also exacerbated pre-existing territorial conflicts in which the non-indigenous parties have co-opted or formed alliances with illegal armed groups to the detriment of indigenous peoples.[34] The latter find it difficult to defend their lands from economic interests, including such extractive industries as mining, forestry, infrastructure projects, single-crop agriculture, legal and illegal cultivation, herbicide spraying and the creation of parks, ecological reserves and tourist developments.

31. The mission received reports that concessions had been granted in 80 per cent of legally established reservations, and that the process of issuing title deeds for other reservations had been delayed in order to promote projects of various types, without an adequate consultation process and without the free, prior and informed consent of the affected peoples.[35]

3. Lack of consultation and free, prior and informed consent

32. Lack of consultation has been identified as a persistent problem. The right to consultation is fundamental to the exercise of self-determination, which in turn affects every aspect of indigenous peoples' lives, including the ability to take decisions regarding the occupation and use of ancestral territories, as well as the right to participate in the economic, social and political life of the country.

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[31] Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/15/37/Add.3), para. 37, citing information provided by OCHA in Colombia.

[32] Amnesty International, The Struggle for Survival and Dignity: Human Rights Abuses against Indigenous Peoples in Colombia, p. 5.

[33] National Indigenous Organization of Colombia (ONIC), "Los pueblos indígenas de Colombia y su pervivencia en medio del conflicto armado interno" ("The Indigenous Peoples of Colombia and their Survival in Internal Armed Conflict"), p. 22. Before 2007, the Colombian Institute for Rural Development (INCODER) was responsible for establishing reservations. With the adoption in 2007 of the act providing for the Rural Development Statute (Act No. 1152 of 2007), that responsibility was transferred to the Office of Ethnic Affairs of the Ministry of the Interior and Justice. In 2009, the Constitutional Court declared the Rural Development Statute invalid on the grounds of failure to carry out a consultation (Judgment C-175 of 2009). The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has noted that there was now a need to clarify the responsibilities of public authorities with regard to the various legal processes concerning indigenous reserves. See the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, "The situation of indigenous peoples in Colombia: follow-up to the recommendations made by the previous Special Rapporteur" (A/HRC/15/37/Add.3, para. 39).

[34] Constitutional Court of Colombia, Order No. 004, p. 9 (2009).

[35] ONIC, "*Los pueblos indígenas de Colombia y su pervivencia en medio del conflicto armado interno*", p. 22.

33. Consultations are currently taking place on the basis of Decree No. 1320 of 15 July 1998. The Decree has been deemed by the Constitutional Court[36] and by ILO[37] to be incompatible with ILO Convention No. 169. ILO has found that the Decree is inconsistent with the Convention in terms both of the adoption process, which did not involve consultations, and of its content, and has accordingly asked the Government to amend it in order to align it with the Convention, in consultation with the representatives of the indigenous peoples of Colombia.[38]

34. In March 2010, the President issued a directive in order to establish a general framework for the right to prior consultation. The directive is based on Decree No. 1320 of 1998. The Ministry of the Interior and Justice has formulated a preliminary draft law on the topic. However, that was done without consultation with indigenous peoples.

35. Investment in the exploitation of natural resources is expected to increase markedly in the coming years. The conclusion of free trade agreements could further boost investment in mining and agriculture, often on the lands of indigenous peoples. OHCHR and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people encourage a participatory process including the consultation and free, prior and informed consent of indigenous peoples.

4. Self-determination of indigenous peoples

36. A number of factors limit the exercise of self-determination by indigenous peoples in Colombia. These include the presence on indigenous territory of legal and illegal armed groups and drug traffickers, as well as companies intending to exploit resources. In many cases, indigenous leaders and authorities are singled out, stigmatized, displaced, prosecuted, criminalized and assassinated for asserting their right to self-determination.[39]

37. As regards the exercise of jurisdiction, the Mission noted that in Sierra Nevada and Santa Marta, the four indigenous peoples and the authorities of Valledupar and the National Government all agreed that the "black line" was the established demarcation between the national jurisdiction and that of indigenous territories.

C. Measures to protect indigenous peoples at risk of extinction

1. Mechanisms for dialogue between the Government and indigenous peoples

38. In 1996, mechanisms for dialogue between the Government and indigenous peoples' organizations were formalized through the establishment of the Indigenous

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[36] Judgment T-652 (1998) of the Constitutional Court, Presiding Judge: Carlos Gaviria Díaz. See also Judgment T-737 (2005) of the Constitutional Court, Presiding Judge: Álvaro Tafur Galvis.

[37] See for example: Committee of Experts on the Application of Conventions and Recommendations (CEACR), Individual Observation concerning the Indigenous and Tribal Peoples Convention, 1989 (No. 169) Colombia (ratification: 1991), published in 2010.

[38] CEACR, Individual Observation concerning the Indigenous and Tribal Peoples Convention, 1989 (No. 169) Colombia (ratification: 1991), published in 2010, cited in documents GB.282/14/3 and GB.282/14/4.

[39] ONIC, "Los pueblos indígenas de Colombia y su pervivencia en medio del conflicto armado interno", p. 24.

Peoples' Human Rights Commission,[40] the National Commission for Indigenous Territories and the Permanent Committee for Consultation with indigenous peoples and organizations.[41]

39. On 30 August 2005, the Ministry of the Interior and Justice issued a decree establishing the Amazon Region Committee[42] as a space for consensus with a view to recommending to the various Government agencies the formulation, promulgation and implementation of sustainable public development policies for the indigenous peoples of the region.[43]

40. Since their establishment, those dialogue mechanisms have acted as a space for the Government and indigenous peoples to interact, which is a positive step. However, some organizations have decided to withdraw from the dialogue citing "failure to comply with the agreements that had been reached, and the inability of Government representatives (...) to take decisions".[44]

2. Safeguard plans

41. The Constitutional Court determined in Order No. 004 of 2009 that plans to safeguard each of the 34 indigenous peoples from armed conflict and forced displacement should be formulated and implemented within six months. According to media reports, over 18 such procedures have begun; however, "the Government has decided to take action in connection with all of the indigenous groups, of which there are 102, in order for the resulting indigenous policy to be that of the State rather than the Government".[45]

42. According to official reports, steps have been taken to formulate plans for the indigenous Totoroez, Coconuco, Yanacona, Nasa and Eperara Siapidara peoples in the Department of Cauca.[46] Indigenous peoples' organizations have stated that the two most advanced safeguard plans were those for the Awá and Cofán peoples. However, those plans are still at the initial stage and have not undergone a consultation process.

43. The Forum has received allegations that no special budget has been approved for the formulation, consultation process and implementation of the safeguard plans for indigenous peoples.

3. Early warning system

44. The early warning system is a mechanism promoting preventive humanitarian action to protect and uphold the fundamental rights of populations at risk from internal armed conflict.

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[40] Decree No. 1396 of 1996. Official Gazette No. 42.853 of 12 August 1996.

[41] Decree No. 1397 of 1996. Official Gazette No. 42.853 of 12 August 1996.

[42] Decree No. 3012 of 2005, 30 August 2005.

[43] Ministry of the Interior and Justice, Directorate of Indigenous, Minority and Roma Affairs: report prepared for the visit of the members of the Forum, p. 7.

[44] ONIC, *Palabra dulce, aire de vida*, p. 25.

[45] *El Tiempo*, "Gobierno nacional alista Plan de Salvaguarda de comunidades indígenas del país" ("National Government prepares safeguard plan for indigenous communities across the country"), http://www.eltiempo.com/archivo/documento/CMS-7741250.

[46] Ministry of the Interior and Justice, Directorate of Indigenous, Minority and Roma Affairs: report prepared for the visit of the members of the Forum, pp. 12-14.

45. From 2005 to 2008, a total of 182 risk warnings were issued, of which 73 involved indigenous peoples.[47] The members of the Forum met with representatives of the Office of the Ombudsman, who were asked to evaluate the work of the Inter-Institutional Early Warning Committee. The Office gave the Committee's response a rating of 4 on a scale from 0 to 10, 10 being the highest score.

IV. Situation of the Awá people

46. Awá territory covers a significant part of south-western Colombia and north-western Ecuador, with a surface area of approximately 610,000 hectares, 480,000 of which are located in Colombia and 116,640 in Ecuador. The Awá population is estimated at 24,500, with 4,400 families and 34 indigenous reservations.[48]

47. The Awá people grow traditional crops, hunt, fish, gather fruits and forest products and supplement their diet through the rearing of livestock. Given their situation the Awá's main concern is obtaining food for immediate consumption. The development of mega-projects[49] has been proposed in Awá territory and large plantations of industrial crops, such as the African palm, have been imposed in the ancestral lands of the Awá people.[50]

48. Awá territory is strategically important to the parties of the armed conflict as a major corridor for illegal armed groups and drug traffickers and for the border it shares with Ecuador. FARC, ELN, paramilitary groups, Government security forces and drug traffickers are all vying for control of Awá territory.

49. According to information reported between 1993 and 2010, the Awá have been the victims of a number of attacks: 88 homicides, 2,035 persons forcibly displaced, 31 cases of arbitrary detention, 10 cases of forced disappearances, 52 cases of forced imprisonment and 26 cases of threats. In 2009, there were three massacres.[51]

A. Early warning system and the Awá people

50. Prior to the three latest massacres, the Office of the Ombudsman issued risk report No. 029, dated 4 December 2008. On 23 December 2008, the Inter-Institutional Early Warning Committee issued an early warning on the basis of that report;[52] nevertheless, the Government's actions were insufficient to prevent the massacres.

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[47] Early warning system, Office of the Public Prosecutor, reports from 2005 through 2008.

[48] Nariño development plan. Cited by the Observatory of the Presidential Programme for Human Rights and International Humanitarian Law. Situation of the Awá people, p. 1.

[49] One of the largest projects is the construction by IIRSA (Initiative for the Integration of Regional Infrastructure in South America) of an Amazon multimodal thoroughfare, which cuts through Awá territory from the Pacific coast of Nariño and involves the construction of 284 km of the Pasto-Tumaco highway.

[50] Presidential Programme for Human Rights and International Humanitarian Law. Situation of the Awá people, p. 3.

[51] In the first massacre, which occurred on 4 February 2009, 17 Awá individuals were killed. In the second massacre, which occurred on 11 February 2009, 10 Awá were killed. The third massacre, which occurred on 27 August 2009, resulted in the murder of 12 Awá.

[52] Colombian Commission of Jurists. "Awá massacre violates rights of women and children", available at http://www.coljuristas.org/Portals/0/AWAAgosto09.pdfcompr.pdf.

51. The Government's response to guarantee security in Awá territory has been to increase the presence of law enforcement officers. The Awá people, on the other hand, believe it is crucial to demilitarize Awá territory and to strengthen the indigenous guard (*guardia indígena*).[53]

B. Investigation into human rights abuses against the Awá

52. The Awá have suffered many human rights abuses. FARC acknowledged responsibility for the murder of a few Awá individuals[54] in the massacre of 4 February 2009. The Forum is aware of a few investigations into human rights abuses against the Awá that have been conducted by the military;[55] this runs counter to international jurisprudence on investigations into human rights violations.[56]

53. Officials of the Public Prosecutor's Office have shown ongoing commitment to ensuring that the investigations into the massacres will culminate in the sentencing of the perpetrators of the homicides. Nevertheless, death threats against witnesses to the massacres and even against the officials conducting the related investigations continue to be reported. In addition, human and financial resources are said to be insufficient to carry out all the investigations, which has seriously hampered their progress.[57]

C. Awá safeguard plan

54. On 17 March 2009, the Government authorities agreed to support the proposal submitted by Awá organizations to facilitate the drafting of and consultations on the ethnic safeguard plan, pursuant to Constitutional Court Order No. 004 of 2009. Accordingly, the Government of Colombia signed an agreement with the Awá people for 256 million pesos, equivalent to around $143,000, to be used for the drafting of two documents: (1) a participatory assessment of the violence, vulnerability and forced displacement affecting the Awá indigenous people and (2) a document comprising a safeguard plan and an outline for a programme to protect the rights of indigenous peoples, including the Awá, affected by displacement or at risk of displacement and a timetable for steps to be taken.

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[53] Ethnic safeguard plan of the Awá indigenous people (political outline of our ethnic safeguard plan).

[54] On 17 February 2009, the New Colombia News Agency reported that FARC had admitted to killing eight indigenous individuals of Awá origin in south-western Colombia, accusing them of being informants of the military.

[55] OHCHR. Preliminary observations and recommendations regarding the Awá massacre, press release dated 10 September 2009. OHCHR reported that "*[...] la presunta ejecución extrajudicial [del Sr.] Gonzalo Rodríguez que habría sido cometida por efectivos del Ejército [...] fue asumida por la Justicia Penal Militar*" [the case involving "[...] the alleged extrajudicial murder of [Mr.] Gonzalo Rodríguez, which was reportedly carried out by army personnel [...] was heard by the military penal court"].

[56] Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, E/CN.4/1998/38/Add.2, para. 86; Committee against Torture, CAT/C/MEX/CO/4, para. 14; report of the Special Rapporteur on violence against women, its causes and consequences, E/CN.4/2006/61/Add.4, para. 69 (vi); report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, E/CN.4/2004/80/Add.2, para. 90.

[57] Information submitted by OHCHR in Colombia to the Permanent Forum.

55. The Awá have developed a roadmap for prior consultation with regard to its safeguard plan, which consists of five phases.[58] Thus far, the first phase has been completed. As part of efforts to strengthen dialogue between the national Government and the Awá people, the President of Colombia issued a decree establishing a consultation mechanism for the Awá.[59]

56. The pillars of the Awá ethnic safeguard plan are territory, culture, autonomy and unity. The plan focuses on protecting the territory and requires the State of Colombia to cease granting new environmental licences and permits for exploring and exploiting the resources of the Awá territory. The plan proposes that projects and mega-projects carried out in its territory without due prior consultation should be penalized and that compensation for damages should be awarded. In addition, it requests the timely processing of applications for the establishment, expansion and amelioration of reservations — projects which have been pending for 17 years.

57. With regard to human rights abuses, the plan proposes the establishment of a special committee for the documentation, investigation and trial of all the cases involving massacres, disappearances and targeted killings of which the Awá have been victims.

58. The Awá safeguard plan contains explicit short-, medium- and long-term measurable initiatives. It establishes which authorities are responsible for implementation as well as which indicator should be used to measure effective enjoyment. However, the plan does not provide an estimated budget, much less an approved budget, for the implementation of each initiative.

V. Recommendations

A. The internal armed conflict

59. The Forum reiterates the call for peace made by the Special Rapporteur on indigenous peoples and their relationship to land in a quest for a real and lasting peace through a negotiated end to the armed conflict that is seriously affecting indigenous peoples.

60. The Forum calls on all the parties involved in the conflict to fully respect international humanitarian law and international human rights law, including the rights of indigenous peoples.

61. The Forum believes that the security forces should continue their training in international humanitarian law and international human rights law, including in the rights of indigenous peoples.

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[58] First phase, internal consultations: socialization, assessment and gathering of proposals from the Awá people; second phase, plan initiation: the plan will be initiated upon the signing of an act approving the prior consultation process; third phase, prior consultation process: must be carried out over a period of four months and will involve seven consultation meetings; fourth phase, formal signing or adoption of agreements; and fifth phase, follow up and monitoring: a multidisciplinary and inter-institutional committee will be established to manage, follow up on and monitor compliance with the agreements.

[59] Decree No. 1137 of 12 April 2010.

62. **The Forum reiterates and stresses that all the parties to the conflict must refrain from recruiting indigenous children into their ranks. They must immediately free all children that have been recruited. They must investigate and punish cases of forced recruitment of minors and work towards their social rehabilitation by establishing dedicated programmes.**

63. **The Forum requests the State to adopt a more open and receptive position in its relations with the United Nations system in general; and in particular with organizations investigating issues arising from the internal armed conflict, such as the Permanent Forum, the Special Rapporteurs and others related to indigenous peoples.**

64. **The Forum requests its Secretariat and the Office of the Special Representative for the Prevention of Genocide and Mass Atrocities to establish a mechanism to continue the full and regular monitoring of the situation of indigenous peoples in Colombia in order to prevent any potential genocide as a result of the concurrent and cumulative actions of all those involved in the armed conflict.**

65. **The Forum requests the Prosecutor of the International Criminal Court to continue monitoring the situation, urging the provision of information both to the States and to ONIC and other indigenous organizations, and in particular to monitor the efficiency of the Colombian courts at prosecuting crimes against humanity.**

66. **The State should continue its efforts towards the elimination of anti-personnel mines and the dismantling of other explosive devices. Humanitarian aid allocated to civilian victims of anti-personnel mines should be increased, with a differential approach for victims from indigenous communities.**

67. **The Forum recommends that the State should avoid undertaking military activities in indigenous territories, unless they are requested to do so by the indigenous peoples themselves and their form is thus agreed upon. The protection of indigenous peoples must be fully recognized and efforts strengthened with the necessary financing, without detriment to their autonomy.**

68. **The Forum recommends that the National Government, governments of departments and the private sector should undertake dialogue with indigenous peoples prior to taking any decision with regard to development initiatives that affect their territories, since, in the experience of those communities, such projects, extractive projects in particular, are associated with the armed conflict.**

B. Territory

69. **The Forum has received information about delays in the recognition and certification of indigenous reservations. Those processes should be accelerated and made clearer in order to ensure the due protection to indigenous territories. Negotiations should be launched with indigenous organizations with a view to integrating the reservations and raising their status to that of autonomous territories, as outlined in the Constitution.**

70. The Forum welcomes the "Familias Guardabosques" (Family Forest Rangers) project, developed and implemented by the Presidential Agency for Social and International Cooperation, which aims to prevent the propagation of illegal crops. This initiative should have a differential approach and its implementation should be encouraged in more indigenous communities, with the free, prior and informed consent of the communities concerned.

71. The fumigation of indigenous territories to destroy illegal crops must not harm the habitat or the health of indigenous peoples. It must be done with their free, prior and informed consent.

72. The State and private enterprises should undertake economic development projects in indigenous territories with free, prior and informed consent, as well as respect for the projects themselves, for their potential benefits and for the ways in which the indigenous people can participate. The parameters for payment and other compensation benefiting the indigenous communities where there is exploration and mining of natural resources in their territories should be agreed with those communities.

73. Social impact studies should be undertaken by independent (non-governmental) institutions prior to the implementation of development projects in indigenous territories. The results of the studies should contain recommendations for the Government and for enterprises, should be made public and should take into account the rights of indigenous peoples, as well as their right to participate in the final evaluation so that they can exercise their right to give their free, prior and informed consent.

74. Projects relating to the maintenance of parks, nature reserves and tourism, among other things, in indigenous territories, should only be carried out with the prior, free and informed consent of those communities.

75. For projects relating to the mining of natural resources in indigenous territories, there should be an exchange of views about the underlying development concept in each particular case, so that the indigenous people can draw comparisons with their own views and aspirations during the consultation process, and exercise their right to give their free, prior and informed consent, with full knowledge of the issues. The consultations should always facilitate the participation of indigenous peoples and ensure that the development is beneficial to their territories, rather than their resources being taken advantage of to impose an inappropriate development model.

76. The Forum recommends that the National Government and the Government of the Department of César should protect the "world's largest water source", located in the Sierra Nevada de Santa Marta, which is a sacred place for the indigenous Kogui, Arhuaco, Wiwa and Kankuamo communities and has been delimited with a "black line", recognized by the State and its governors. The planned construction of a dam against the will of the four indigenous communities will affect biodiversity, sanctuaries and the habitat.

77. The National and Departmental Governments should use as a framework the vision of indigenous development contained in the life plans (*planes de vida*) for the management of the reservations, created and controlled by the peoples themselves.

C. Consultation and free, prior and informed consent

78. **The recommendations made in this report should be implemented with the free, prior and informed consent of the indigenous peoples concerned.**

79. **The State should carry out consultations before taking any decision that affects indigenous communities in any circumstance addressed in international instruments and the jurisprudence of international organizations, respecting the seasons and rhythms of the communities as part of the intercultural dialogue. These processes of prior consultation by the State should facilitate comprehension of the technical language and not merely guarantee that translation is provided.**

80. **The norms relating to prior consultations with the indigenous communities should be discussed in advance with those communities and their organizations, and they should always conform to the relevant international standards, as defined by the International Labour Organization, the Special Rapporteur on indigenous peoples and their relationships to land, the Expert Mechanism on the Rights of Indigenous Peoples, and the Forum.**

81. **The State should not leave the responsibility for planning and undertaking consultations to guarantee the necessary conditions for the exercise of the indigenous peoples' right to give their free, prior and informed consent in the hands of corporations or other private entities involved.**

D. Internal and external forced displacement

82. **The State must fully comply with Court Judgement No. T-025 of 2004 and Order No. 004 of 2009. It must redouble efforts for the development and implementation of a programme of guarantees for indigenous peoples affected by displacement with a view to the return of territory and full compensation for damages.**

83. **The State must fully comply with Constitutional Court Orders No. 092 and No. 237 in order to adequately address the dire situation facing displaced women in general and indigenous women in particular. The Constitutional Court itself is urged to continue monitoring compliance with its judgements and orders with the participation of indigenous organizations, women's organizations and other legitimately interested parties.**

84. **The State must strengthen mechanisms to prevent forced displacement in general and the displacement of indigenous peoples in particular, owing to their special relationship with Mother Nature and their respective territories.**

85. **The State must ensure that the development of mega-projects does not bring about the forced displacement of indigenous peoples by refraining from granting licences without their consent and by suspending those which have been drawn up without this requirement. In no case should operating licences or access to resources be granted in territories whose population has been forcibly displaced.**

86. **The State must provide guarantees to protect property located in the territories of displaced indigenous people, and the territories themselves, so**

that such property or territory is not usurped during the temporary absence of these forcibly displaced persons.

87. **The State must undertake the activities necessary to guarantee the swift return of displaced indigenous peoples to their territories.**

88. **The State must improve differential services to internally displaced persons, taking into account the particular needs of indigenous peoples. Programmes to care for displaced indigenous children also need to be strengthened.**

89. **The State must ensure conditions conducive to survival by providing displaced indigenous peoples with access to basic social services, including through revenue-generating policies. These services should be provided by civilian and not military authorities and should neither replace nor delay the fulfilment of the State's primary obligation, namely the return of territory and due compensation for the damage incurred.**

90. **The State must establish effective mechanisms to investigate and punish persons or groups, including public officials, who are engaged in the forced displacement of indigenous peoples so as to make due reparations for the damage incurred and to prosecute those responsible for the crime against humanity constituted by such action.**

91. **The Office of the United Nations High Commissioner for Refugees (UNHCR) must continue its humanitarian assistance projects to support Colombian indigenous refugees in neighbouring countries with a view to them exercising their right of return.**

92. **Plans to prevent the forced displacement of indigenous peoples, and for their protection, must always be implemented with the individuals concerned, in accordance with their express wishes and with their free, prior and informed consent.**

E. Human rights abuses

93. **Owing to repeated violations of physical integrity, including targeted killings of members of indigenous peoples, which may constitute crimes against humanity, the possibility should be explored of establishing a national prosecuting authority with specially trained staff to investigate such violations. This prosecuting authority must act in a swift, efficient and effective manner and must have the staff and budget necessary for the proper exercise of its functions.**

94. **The State must prevent any member of the military, paramilitary or guerrilla forces accused of committing grave violations of the rights of indigenous peoples from being granted amnesty or being subject to military jurisdiction alone. The punishment imposed must always be proportional to the crime committed.**

95. **The Forum requests relevant authorities at all levels to take appropriate measures to protect indigenous leaders who are threatened. Such measures should be agreed with the persons receiving the protection.**

96. The Ministry of Defence must ensure full compliance with Directive No. 16 of 2006 concerning indigenous peoples. It must punish or report members of the armed forces who fail to comply with this Directive.

97. The State must improve human rights education and training programmes in general and particularly as regards the rights afforded indigenous peoples by all authorities, above all those whose work is related to indigenous peoples.

98. The State should strictly apply the limitations on military jurisdiction in criminal matters to ensure that no human rights violation or breach of international humanitarian law falls within that jurisdiction.

99. The Permanent Forum requests the relevant authorities at all levels to comply fully with the protective and interim measures, recommendations and judgements of the inter-American human rights protection system, and in particular with those pertaining to indigenous peoples.

100. The State should conduct public information campaigns to promote the principles of equality, non-discrimination and recognition of the rights of indigenous peoples.

101. The State should intensify its efforts to combat arbitrary detentions, torture, executions and enforced disappearances in general, and the commission of such acts against members of indigenous communities in particular, beginning with the absolute prohibition of such conduct by its officials.

102. The State should ratify the International Convention for the Protection of All Persons from Enforced Disappearance and strengthen its efforts to search for all disappeared persons, in particular for disappeared persons from indigenous communities, who are especially vulnerable when outside their own milieu.

103. In general, the State should demonstrate a greater and more effective commitment to countering impunity, particularly for criminal acts perpetrated by its own officials and by paramilitary groups that continue to operate in the country. Drug traffickers who may be responsible for crimes against humanity should not be extradited. In no case should any person suspected of possible crimes against humanity be extradited to a State that does not recognize the jurisdiction of the International Criminal Court.

F. Self-determination

104. The State and its officials, both armed and unarmed, should respect the right to self-determination of indigenous peoples. In that connection, they should respect their organizational structures and indigenous authorities alike. This duty also applies to corporations, non-governmental organizations, churches and all other social and economic actors.

105. The State should strengthen the disarmament process in order to reduce the presence of illegal armed groups and the army itself on indigenous reservations as an obstruction or impediment to the peaceful enjoyment of the right to self-determination.

106. **The full transfer of all economic resources from the national budget earmarked for indigenous peoples should be ensured. Indigenous peoples should be empowered to determine the items or areas in which such resources are to be invested. Municipalities should not be involved in the receipt or use of resources for indigenous reservations.**

107. **Colombia should withdraw its argument that it accepts the United Nations Declaration on the Rights of Indigenous Peoples with reservations, as there is no precedent for such a practice with respect to a declarative instrument on human rights. In particular, an international human rights instrument should not be made subordinate to or conditional on provisions of domestic law, including the constitution.**

G. Safeguard plans

108. **The State should accelerate full compliance with Constitutional Court Order No. 004. The State should complete the preparation and implementation of safeguard plans for all indigenous peoples, starting with the peoples identified by ONIC and the Constitutional Court itself. In that regard, adequate funding should be provided for the preparation and implementation of such plans and the necessary personnel, preferably indigenous, should be enabled to carry out that task.**

109. **The State should respond to the aspirations of indigenous peoples in preparing safeguard plans and should not approve them without the free, prior and informed consent of those peoples.**

H. Early warning system

110. **The State should urgently enhance the early warning system to respond promptly to risk reports issued by the Office of the Ombudsman. When a risk report is issued setting out the necessary measures to safeguard the integrity of indigenous peoples, authorities who fail to carry out those measures diligently should be sanctioned.**

111. **The authorities in charge of responding to risk reports should be coordinated in order to ensure an appropriate response. An adequate budget should be allocated to ensure the proper functioning of the early warning system. The body responsible for taking the final decision on issuing early warnings should be organized in such a way that it has greater independence from the security forces and the Government itself.**

I. Programmes, policies and dialogue mechanisms

112. **The Permanent Forum acknowledges the Government's efforts to implement social programmes that benefit indigenous peoples, including the food safety net — which, according to published data, has benefited some 4 million persons, 414,720 of whom are indigenous — and the family forest protection programme. The Permanent Forum reiterates that such policies**

should not result in the deferral or termination of the return of land and resources that will make indigenous peoples self-sustaining.

113. **The State, in consultation with indigenous peoples and their organizations, should develop a general policy on the protection of indigenous peoples pursuant to article 38 of the United Nations Declaration on the Rights of Indigenous Peoples.**

114. **With the participation of indigenous peoples, the State should establish an autonomous institution independent of the Government to coordinate, promote and advance government strategies and actions to achieve the security and the integral and sustainable development of indigenous peoples and to guarantee the full exercise of their rights. This institution should have the necessary budget duly to perform its duties.**

115. **Social services provided by the State to indigenous peoples with their consent and cooperation should be delivered by civilian, and preferably indigenous, personnel, not by the military.**

116. **Forums for dialogue between indigenous peoples' organizations and the Government, such as the round table, should be strengthened. Agreements adopted by dialogue mechanisms should be implemented by the parties in continuing cooperation. Consideration should be given to the possibility of inviting the United Nations system to participate in such mechanisms in order to support and facilitate the dialogue. All parties to the dialogue should maintain channels of communication with the United Nations agencies and bodies that have specific mandates on indigenous issues: the Special Rapporteur, the Expert Mechanism and the Permanent Forum.**

117. **Round-table dialogue should include follow-up on the implementation of recommendations made by mechanisms of the United Nations system. Recommendations on indigenous issues should not be formulated by the United Nations system without consultation with indigenous peoples and should always be duly implemented and put into effect with their participation.**

118. **The Permanent Forum invites the parties to hold public meetings to follow up on this report and other international reports during their upcoming sessions.**

J. Regional cooperation and cross-border strategies

119. **Colombia and the Governments of neighbouring countries should consider developing a cross-border programme for the protection of indigenous peoples that is ensured adequate funding. The programme should meet the applicable international standards and should be developed in consultation with indigenous peoples.**

120. **Colombia should promote agreements with Brazil, Ecuador, Panama, Peru and the Bolivarian Republic of Venezuela to guarantee respect for the rights set out in article 32 of ILO Convention No. 169 and article 36 of the United Nations Declaration on the Rights of Indigenous Peoples. To that end, in accordance with the latter article, action should be taken in consultation and cooperation with the respective indigenous peoples. Should agreement be reached on**

international treaties on cross-border relations between indigenous peoples, those peoples should be invited to participate in the signing of such instruments.

121. **The United Nations and bilateral aid organizations should share relevant best practices derived from their experience in different countries with respect to the recognition and safeguarding of the rights of indigenous peoples, and particularly of cross-border indigenous peoples, and should promote and contribute to the proper funding of the resulting policies.**